

# EXHIBIT C

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Attorneys for Plaintiff Motorola, Inc.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MOTOROLA, INC., a Delaware Corporation,

Plaintiff,

v.

GAD ABECKASER A/K/A GADI ABECKASER,  
GADI'S CELL, INC. D/B/A GADICELL, INC  
AND GADICELL, GADIS INC., MOBILE  
CELLULAR, INC., VARIOUS JOHN DOES,  
JANE DOES AND ABC COMPANIES,

Defendants.  
-----X

Civil Action No.: 07-3963

**DECLARATION OF**  
**DAVID LUKASIK IN SUPPORT OF**  
**TEMPORARY RESTRAINING**  
**ORDER AND ASSET RESTRAINT**  
**ORDER**

DAVID LUKASIK, declares and states, under penalty of perjury that the following is true and correct

1. I am the Manager of Quality for the MobileMe Division of Motorola, Inc. ("Motorola"). If called upon to testify, I could state the following based on my personal knowledge, experience and review of Motorola business records, public documents and documents obtained by the New York Police Department.

2. As part of my responsibilities for Motorola, I am familiar with the product and packaging attributes of genuine MOTOROLA® products, including cell phones and headsets bearing the word trademark MOTOROLA® and design trademark comprised of a STYLIZED M



Design ® ® (“Motorola Trademarks”). The Motorola Trademarks are currently registered with the United States Patent and Trademark Office and remain in use.

3. Motorola is a Fortune 100 global communications leader that had sales of US \$35.3 billion in 2005. Our MobileMe division designs, manufactures, sells and services mobile communication products including wireless devices such as mobile phones as well as accessories used with mobile phones, including headsets.

4. The Motorola Trademarks (including the MOTOROLA® and Stylized M® Design) have become internationally recognized and associated with high quality and innovative cellular phones and accessories. The goodwill associated with MOTOROLA products has generated tremendous goodwill in the consuming public in the United States and throughout the world.

5. Motorola actively promotes its trademarks and trade name, and invests a great deal of time, effort and resources in promoting the Motorola Trademarks and MOTOROLA products. Motorola maintains strict control over its products and advertising, which prominently features the Motorola Trademarks. Consumers understand and recognize that MOTOROLA-branded products come from Motorola and are of high quality technology and design.

6. I have reviewed several items purchased from Gadi's Cell, Inc. a/k/a Gadicell, Inc. by private investigators acting on Motorola's behalf, by members of the New York City Police Department and by consumers, and I have determined them to bear counterfeit duplications of the Motorola Trademarks. For example, I reviewed two (2) H500 model headsets purchased from Gadicell, Inc., on or about June 13, 2007 (one orange in color and one gray in color) by the New York City Police Department and determined that they bear counterfeit and unauthorized duplications of the Motorola Marks. There are counterfeit duplications of the STYLIZED M Design directly on the products, and counterfeit duplications of the MOTOROLA® word mark and the STYLIZED M Design mark on the packaging for the products. This is clearly evidenced by, among other things: (a) the headsets generally being of inferior quality; (b) materials are used in connection with the headsets that are not consistent with the fabrication of the genuine item; (c) the manner in which the STYLIZED M Design mark is applied to the product is of poor quality; and (d) the printing of words and images on the product and packaging are of inferior quality and are not consistent with the fabrication of the genuine items and packaging for same.

7. On September 5, 2007, I was present at 159 42nd Street, Brooklyn, NY 11232, and 4202 Third Avenue, Brooklyn, NY 11232, both business locations for Defendants Gadi's Cell, Inc., a/k/a Gadicell, Inc. and Mobile Cellular, Inc., where search warrants were executed by the New York City Police Department. At these locations, I observed, and New York City police officers confiscated, among other things, more than 4,000 headsets and 360 cell phones bearing or packaged with counterfeit duplications of the STYLIZED M Design and MOTOROLA marks and more than 62,000 counterfeit packaging inserts bearing counterfeit

duplications of the MOTOROLA and STYLIZED M Design marks. A spreadsheet showing merchandise seized by the New York Police Department is annexed as Exhibit A, and photographs of some of the items seized are annexed hereto as Exhibit B. The retail value of the merchandise seized was in excess of \$500,000. Moreover, if all of the 62,000 counterfeit packaging inserts were affixed to and sold with cellular telephone headsets, the retail value of the products would be more than \$5,000,000!

8. Defendants essentially operated a factory assembly line and warehouse facilities for creating counterfeit duplications of the Motorola Marks to be placed on, among other things, packaging inserts for headsets and cell phones and then to package counterfeit headsets and cell phones and sell them. It also appears that Defendants took used or damaged head set, refurbished them, affixed counterfeit Motorola packaging to them and sold them as new Motorola items.

9. Based on the Motorola and NYPD investigations, it appears that Defendants have engaged in a substantial wholesale counterfeiting enterprise selling millions of dollars worth of counterfeit Motorola merchandise. To give you an idea of the size of Defendants' business, Defendants' sales records show that it issued invoices for \$1,178,590 in March 2007. See Exhibit C. While not all of these sales would have been counterfeit Motorola merchandise, based on the amount of counterfeit Motorola product and packaging seized at Defendants' premises, it is not unreasonable to conclude that a significant portion of those sales were, in fact, counterfeit Motorola merchandise.

10. Defendants' counterfeiting activities were not authorized by Motorola, and there is no question that Defendants' actions were intentional, in knowing disregard of Motorola's trademark rights. On May 23, 2007, Motorola sent a cease and desist letter to Defendant Gad Abeckaser, and Federal Express records show that Mr. Abeckaser personally signed for receipt of the letter on May 24, 2007. See Exhibit D. In addition, the NYPD seized notifications from U.S. Customs to Defendants in March, 2007, that they had imported counterfeit Motorola merchandise. See Exhibit E.

11. There is no question that Defendants move their business and/or operate simultaneously from several locations. In addition to the locations where merchandise was seized, it is clear that Gad Abeckaser has operated his counterfeiting enterprise from his home at 1082 E. 29<sup>th</sup> Street in Brooklyn. See Exhibit F (invoices showing sales made from this address and excerpts of New York State Department of Corporation records showing this address as the corporate office of Gadi's Cell, Inc.). In addition to these addresses, it is believed that Defendants operate or have operated an office in Guangzhou, China.

12. There is also no question that Defendants transferred and received substantial funds through Internet commerce, through PayPal, and sent funds to, among other places, Asia. Limited records reviewed at Defendants' locations show transactions involving banks in Guangzhou and Shen Zhen, China, and Bangkok, Thailand. See Exhibit G.

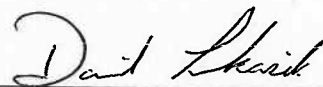
13. While the New York police department arrested two of Defendants' employees, they did not arrest, and have not, to Motorola's knowledge, taken any action against Gad Abeckaser or any of the Defendants. Despite the NYPD's action, Defendants appear to continue



in business in selling Motorola merchandise, and could well be continuing to sell counterfeit Motorola merchandise. See Exhibit H (listings by Gadcell offering to sell Motorola merchandise). As a result, it is necessary for Motorola's civil action to prevent the Defendants from continuing their transactions in counterfeit Motorola merchandise and the dissipation of Defendants' assets while this action is pending.

14. Since it is abundantly clear that Defendants know that they have engaged in substantial counterfeiting activities and are the subject of a civil action through which Motorola is likely to be entitled to a substantial judgment, it appears that only strong, immediate action by this Court, in the form of the issuance of a temporary restraining order and asset restraint order are necessary to make sure that Motorola's remedies under the Lanham Act are effective and not thwarted.

Dated: September 28, 2007  
Libertyville, Illinois 60048



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DAVID LUKASIK

# EXHIBIT A



Site: 4202 3rd Avenue, Brooklyn, NY 11232

<u>Style No.</u>	<u>Color</u>	<u>Quantity</u>	<u>Price Per Item</u>	<u>Est. Total Value</u>
H700 Bluetooth Headset	Silver	1,140	60	\$68,400.00
H500 Bluetooth Headset	Silver	2,895	60	\$173,700.00
H500 Bluetooth Headset	Orange	40	60	\$2,400.00
H700 Bluetooth Product Insert	-	41,200	3	\$123,600.00
H500 Bluetooth Product Insert	-	20,800	3	\$62,400.00
Plastic Shell with Product Insert	-	450	3	\$1,350.00
Subtotal				\$431,850.00

Site: 159 42nd Street, Brooklyn, NY 11232

<u>Item Description</u>	<u>Location</u>	<u>Quantity</u>	<u>Price Per Item</u>	<u>Est. Total Value</u>
Bluetooth with Case	1st Floor	924	60	\$55,440.00
Cell Phone Casing/Shell	1st Floor	1 box		
Cell Phone Cardboard Box	1st Floor	12 boxes		
Bluetooth without Case	1st Floor	135	60	\$8,100.00
Motorola CD-Disk	2nd Floor	210	15	\$3,150.00
Razor Cell Phone in Box	2nd Floor	360	150	\$54,000.00
Bluetooth Headset	2nd Floor	323	60	\$19,380.00
Evidence Box with Misc. Items	-	1 box		
Subtotal				\$140,070.00
Est. Total				\$571,920.00

# EXHIBIT B







# EXHIBIT C



## INVOICES - MARCH 2007

COMPANY	INV #	AMOUNT
434 WIRELESS SOLUTION	173268	9,540.00
ALL CELL CORP.	173231	150.00
ARMADILLON AUDIO	173270	4,320.00
BIG APPLE	173245	32,000.00
BIG APPLE	173245	4,900.00
BIG APPLE	173273	10,635.00
CELL TECH	173224	28,000.00
CELL TECH	173252	33,000.00
CELLPHONE DESIGN	173242	8,000.00
CELLPHONE DESIGN	173243	1,120.00
CELLPHONE DESIGN	173243	600.00
CELLULAR FORCE	173231	80.00
CELLULAR SAFETY ONE	173240	9,900.00
CELLULAR SAFETY ONE	173239	3,300.00
CINDY GIGI - YOSSI	173236	1,920.00
CINDY GIGI - YOSSI	173269	2,604.00
CLOSEOUT ACCESSORIES	173233	2,142.00
CLOSEOUT ACCESSORIES	173251	7,600.00
CNCG	173259	12,000.00
FULLY LOADED - GANA	173247	2,480.00
GABY	173223	12,920.00
GABY	173237	28,500.00
GABY	173250	800.00
GADISCELL EBAY	173265	8,340.00
GSM CITY	173238	26,700.00
HOBBY RETAIL	173239	41,500.00
HOBBY RETAIL	173205	81,000.00
HOBBY RETAIL EBAY	173240	24,200.00
JC CELL	173253	1,920.00
JC CELL	173264	2,400.00
ELL	173264	2,400.00
MOBILE	173236	9,760.00
JD MOBILE	173260	5,600.00
JD MOBILE	173269	12,580.00
LIVE WIRELESS	173276	5,243.00
MIAMI CELLULAR SHOP	173248	2,200.00
MONIE - STAR BEEP	173234	3,750.00
MONIE - STAR BEEP	173235	1,750.00
MONIE - STAR BEEP	173244	4,320.00
MR. WIRELESS	173270	3,550.00
MVNO JOE	173172	5,088.00
N1 - SHLOMO	173261	5,760.00
PC PLUS	173249	350.00
PRIME 1 ENTERPRISE	173255	600.00
SAL TELECOMMUNICATIONS	173271	6,720.00
SAL TELECOMMUNICATIONS	173277	4,200.00
SAL TELECOMMUNUCTIONS	173238	5,600.00
SAL TELECOMMUNUCTIONS	173267	1,680.00
SAL TELECOMMUNUCTIONS	173237	4,200.00
SAL TELECOMMUNUCTIONS	173238	2,800.00
SNL WIRELESS	173262	1,700.00
STREET TALK - GANA	173246	2,480.00
STREET TALK - TZAHI	173272	320.00
TCT2.COM	173158	13,180.00
TRANS AMERICA	173226	200.00
TRANS AMERICA	173232	130.00
UNLIMITED CELL	173222	230.00
VALUECELL	173231	1,600.00
WESTSIDE COMMUN'	173257	6,028.00
WINNER WIRELESS	173235	5,760.00
WINNER WIRELESS	173254	11,040.00
WIRELESS WORLD	173256	8,000.00
WIRELESS	173266	300.00

541,690.00

COMPANY	INV #	AMOUNT
3600 MISTICES - ELI DADIA	173315	768.00
434 WIRELESS SOLUTION	173297	5,250.00
451 WIRELESS	173319	82,640.00
A TO Z WIRELESS	173316	1,430.00
ARMADILLON AUDIO	173282	800.00
BEST DESIGNS	173302	11,130.00
BIG APPLE	173279	10,020.00
CELL TECH	173312	19,936.00
CELLMANIA	173283	200.00
CELLMANIA	173343	400.00
CELLPHONE DESIGN	173292	960.00
CELLPHONE DESIGN	173310	1,000.00
CELLPHONE DESIGN	173311	4,400.00
CELLPHONE DESIGN	173323	1,000.00
CELLTECH	173323	10,619.00
CINDY GIGI - YOSSI	173290	1,287.00
CINDY GIGI - YOSSI	173335	37,560.00
CLOSEOUT ACCESSORIES	173277	440.00
CLOSEOUT ACCESSORIES	173291	2,770.00
DEARBORN CELL	173304	886.00
DEARBORN CELL	173326	10,600.00
GABY	173308	1,100.00
GABY	173320	600.00
GADISCELL EBAY	173288	8,649.00
GADISCELL EBAY	173341	13,785.00
GLOBAL AMERICAN-MOURAD	173278	395.00
HOBBY RETAIL	173295	9,000.00
HOBBY RETAIL	173327	7,722.00
HOBBY RETAIL	173335	10,670.00
HOBBY RETAIL	173340	1,000.00
JD MOBILE	173275	52,168.00
JD MOBILE	173285	8,160.00
JD MOBILE	173314	16,140.00
JD MOBILE	173305	49,803.00
KC SOLUTIONS	173280	107.00
KC SOLUTIONS	173299	
LOURDES GROUP	173324	8,000.00
MONIE - STAR BEEP	173330	4,320.00
MONIE - STAR BEEP	173342	6,750.00
MR. WIRELESS	173343	6,314.00
MVNO JOE	173300	9,340.00
MVNO JOE	173331	13620.00
N1 SHLOMO	173301	6,240.00
N1 SHLOMO	173336	1,260.00
RTV WIRELESS	173307	1,200.00
SAL TELECOMMUNICATIONS	173298	30,750.00
SAL TELECOMMUNICATIONS	173337	9,120.00
SHACHAR - ISRAEL	173309	11,200.00
SPEED WIRELESS	173286	5,350.00
SPEED WIRELESS	173322	10,100.00
STREET TALK - GANA	173329	17,760.00
TELMART WIRELESS	173334	
TEXAS WIRELESS	173277	151.00
TOMMER OSCER	173325	49,650.00
TOTAL WIRELESS - BILLY	173281	2,400.00
TOTAL WIRELESS - BILLY	173313	960.00
TOTAL WIRELESS - BILLY	173318	960.00
WESTERN ELECTRONICS	173317	3,200.00
WINNER WIRELESS	173328	15,360.00
WINNER WIRELESS	173339	8,000.00
WORLD CELLULAR	173321	31,500.00

636,900.00

541,690.00

636,900.00

TOTAL:

1,178,590.00



# EXHIBIT D

May 23, 2007

BY FEDERAL EXPRESS

GadisCellInc.  
1082 E 29th st  
Brooklyn, NY 11210

Re: Infringement of MOTOROLA Marks

To Whom It May Concern:

It has recently come to Motorola's attention that you are engaged in the manufacture, distribution offer for sale and/or sale of [headsets, batteries] and/or other goods that contain counterfeit duplications of on or more of Motorola's registered trademarks, including, but not limited to the MOTOROLA and or M Logo Design ("the Motorola Marks") ("Counterfeit Motorola Merchandise").

It has come to Motorola's attention that eBay account, **GADISCELLINC**, is offering to sell Motorola branded counterfeit Bluetooth Headsets.

Please be advised that the manufacture, distribution and/or sale of Counterfeit Motorola Merchandise causes damage to Motorola, the Motorola Marks and Motorola's goodwill. Please be advised that the Motorola may be entitled to, among other things, seek an award of statutory damages of up to \$100,000 per counterfeit mark used by you, and, if Motorola can demonstrate that your use of any counterfeit mark was willful, statutory damages from you in an amount up to \$1,000,000 for each counterfeit Motorola Mark you have used, plus its attorney's fees and costs in taking action against you.

While Motorola could successfully pursue legal action, Motorola would prefer to try and resolve matters directly with you if we can reach a prompt agreement. In order to do so, Motorola hereby demands that you immediately cease and desist from the sale of Counterfeit Motorola Merchandise. If you continue to engage in the sale of Counterfeit Motorola Merchandise, you will leave Motorola with no other choice but to consider pursuing the legal remedies available to it under federal and state law. If you force Motorola to take such action, Motorola may refer this matter to outside counsel and we will then seek reimbursement of our legal fees and costs in doing so.

In order to avoid forcing Motorola to take legal action against you, Motorola requires that you immediately cease selling Counterfeit Motorola Merchandise and provide Motorola with certain information related to your transactions in Counterfeit Motorola Merchandise.

Therefore, Motorola demands that you:

1. Immediately cease transacting business in Counterfeit Motorola Merchandise, including ceasing the offer for sale and/or sale of Counterfeit Motorola Merchandise in stores in or through the Internet and/or through other means;

5/24/2007

Page 2

2. Voluntarily turnover to us all Counterfeit Motorola Merchandise which is currently in your possession and control;

3. Voluntarily disclose and describe to us the ownership of your business, its locations, and the precise nature of your transactions of business in Counterfeit Motorola Merchandise (including the names and other identifying information (i.e. addresses, e-mail addresses, names, nicknames, screen names, PayPal account numbers, e-mail addresses, phone numbers, cell phone numbers, license plates, make of vehicle, dates and times of deliveries, etc.) of the persons or entity(ies) from whom you purchase Counterfeit Motorola Merchandise); and


4. Voluntarily provide to us all documents which demonstrate the scope of your manufacture, importation, purchase, distribution, offer for sale and/or sale of Counterfeit Motorola Merchandise (including your PayPal records, banking records and/or credit card statements showing your payments in purchasing the Counterfeit Motorola Merchandise), as well as any documents which identify the person(s) or entity(ies) from whom you purchase Counterfeit Motorola Merchandise.

Finally, we also demand that you sign this letter, evidencing your agreement to cease transacting business in Counterfeit Motorola Merchandise.

Once Motorola has the opportunity to review the information you have provided to us, we will contact you to discuss whether or not we need any additional information in order to resolve this matter amicably through some form of monetary payment to Motorola.

This letter is sent without waiving any of Motorola's rights or remedies in this matter, all of which are expressly reserved. We look forward to hearing from you.

Regards,

  
Dave Lukasik  
Motorola Inc.  
MD: W1-21X  
600 N. U.S. Highway 45  
Libertyville, IL  
847-523-2408

I, ....., agree to cease all business transactions related to Counterfeit Motorola Merchandise, including, but not limited to the manufacture, distribution, purchase, offer for sale and/or sale of same.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**1 From** Please print and press hard  
 Date 05/23/07 Sender's FedEx Account Number 142 997 827  
 Sender's Name DAVE LUKASIK Phone (847) 523 2408  
 Company MOTOROLA, INC.  
 Address 600 N. U.S. HIGHWAY 45  
 City LIBERTYVILLE State IL ZIP 60048  
 Dept./Floor/Suite/Room

**2 Your Internal Billing Reference**  
 First 24 characters will appear on invoice. OPTIONAL

**3 To**  
 Recipient's Name \_\_\_\_\_ Phone ( ) \_\_\_\_\_  
 Company GADISCELLINC.  
 Recipient's Address 1082 E 29TH ST.  
 We cannot deliver to P.O. boxes or P.O. ZIP codes.  
 Address \_\_\_\_\_  
 To request a package be held at a specific FedEx location, print FedEx address here.  
 City BROOKLYN State NY ZIP 11210  
 Dept./Floor/Suite/Room



**Sender's Copy**

**4a Express Package Service**  
☒ FedEx Priority Overnight Next business morning.® Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
☐ FedEx Standard Overnight Next business afternoon.® Saturday Delivery NOT available.  
☒ FedEx First Overnight Earliest next business morning delivery to select locations.® Saturday Delivery NOT available.  
☐ FedEx 2Day Second business day.® Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
☐ FedEx Express Saver Third business day.® Saturday Delivery NOT available.  
 FedEx Intellitec rate not available. \$5.00 surcharge. One-pound rate.

**4b Express Freight Service**  
☐ FedEx 1Day Freight® Next business day.® Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
☐ FedEx 2Day Freight Second business day.® Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
 \* Call for Confirmation. \*\* To meet location. Packages up to 150 lbs. Packages over 150 lbs. FedEx 3Day Freight Third business day.® Saturday Delivery NOT available.

**5 Packaging**  
☒ FedEx Envelope\* ☐ FedEx Pak\* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak. ☐ FedEx Box ☐ FedEx Tube ☐ Other  
 \* Declared value limit \$500.

**6 Special Handling**  
 Include FedEx address in Section 3.  
☐ SATURDAY Delivery NOT Available for FedEx Standard Overnight, FedEx First Overnight, FedEx Express Saver, or FedEx 2Day Freight.  
☐ HOLD Weekday at FedEx Location NOT Available for FedEx First Overnight.  
☐ HOLD Saturday at FedEx Location Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.  
 Does this shipment contain dangerous goods?  
☐ No ☐ Yes One box must be checked. ☐ Yes Shipper's Declaration not required. ☐ Dry Ice Dry Ice 3, UN 1845  
 Dangerous goods (including dry ice) cannot be shipped in FedEx packaging. ☐ Cargo Aircraft Only

**7 Payment Bill to:** Enter FedEx Acct. No. or Credit Card No. below.  
☒ Sender Acct. No. in Section 1 will be billed. ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check  
 FedEx Acct. No. Credit Card No. Exp. Date

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ Total Declared Value\$ \_\_\_\_\_  
 \$ \_\_\_\_\_ .00  
 Your liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability. FedEx Use Only

**8 NEW Residential Delivery Signature Options** If you require a signature, check Direct or Indirect.  
☐ No Signature Required Package may be left with out obtaining a signature for delivery.  
☒ Direct Signature Signature at recipient's address may also be for delivery. For applics.  
☐ Indirect Signature If no one is available at recipient's address, anyone at a neighboring address may sign for delivery. For applics.  
 520  
 Rev. Date 8/05-Part #158261-01934-2005 FedEx-PRINTED IN U.S.A. 874





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## Track Shipments Detailed Results

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Tracking number 856409392789  
Signed for by G.ABECKASER  
Ship date May 23, 2007  
Delivery date May 24, 2007 9:20 AM  
Status Delivered  
Signature image available No

Delivered to  
Service type

Residence  
First Overnight  
Envelope

**Wrong Address?**  
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[FedEx Address Checker](#)

**Tracking a FedEx Service?**  
[Go to shipper login](#)

Date/Time	Activity	Location	Details
May 24, 2007	9:20 AM Delivered		
	8:30 AM On FedEx vehicle for delivery	BROOKLYN, NY	
	8:23 AM At local FedEx facility	BROOKLYN, NY	
	7:23 AM At destination facility	JAMAICA, NY	
	3:43 AM Departed FedEx location	MEMPHIS, TN	
	1:22 AM Arrived at FedEx location	MEMPHIS, TN	
May 23, 2007	11:35 PM Departed FedEx location	CHICAGO, IL	
	10:17 PM Arrived at FedEx location	CHICAGO, IL	
	9:36 PM Left origin	WAUKEGAN, IL	
	4:55 PM Picked up	WAUKEGAN, IL	

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Your E-mail Address:

E-mail address

Language

Exception  
updates

Delivery  
updates

English

English

English

English

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

# EXHIBIT E





**U.S. Customs and  
Border Protection**

March 06, 2007

Port of Cleveland Case No.  
2007-4196-100844

Mobile Cellular Inc.  
159 42<sup>nd</sup> St.  
Brooklyn, NY 11232

Dear Sir/Madam:

You are hereby notified that under CFR § 133.21, your importation of (1029) Manuals, (1087) Boxes, (100) Liners, (99) Power Cords, (99) Data Cables and (99) Software seized by the Bureau of Customs and Border Protection, Port of Wilmington, Ohio on March 02, 2007, as bearing counterfeit of the registered U.S. trademark:

Description of Trademark: Motorola  
U.S. Customs Recordation Number: TMK 02-0483  
U.S. Patent & Trademark Office Registration Number: 1,680,185

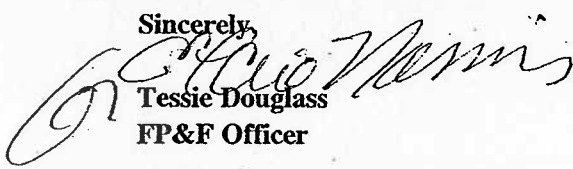
The appraised domestic value of the merchandise was determined \$2446.00.

In accordance with 19 CFR § 133.21, Customs Regulations (Title 19, Code of Federal Regulations), implementing Section 526 of the Tariff Act, as amended, Title 19, United States Code, Section 526 (19 U.S.C. § 1526(e), articles bearing counterfeit trademarks are subject to seizure and forfeiture.

Under the provisions of Title 19, United States Code, Section 1618, you may petition for relief from the above liability. The enclosed Notice of Seizure and Information for Claimants explains your options with regard to the remission of the forfeiture of seized property. If you wish to petition for relief from forfeiture, you must provide an express agreement to defer judicial or administrative forfeiture proceedings until completion of the administrative process. Completion of the enclosed Election of Proceedings form will provide this express agreement.

Your petition for relief must be received within 30 days from the date of this notice and should be filed in triplicate at the following address: 6747 Engle Road, Middleburg Heights, Ohio 44130. If you have any questions, please contact Paralegal Specialist, Elaine Norris, at the above telephone number.

Sincerely,

  
Tessie Douglass  
FP&F Officer

Enclosure



## Notice of Arrival

Pages including cover page: \_\_\_\_\_

Date: 3-29-07

To: Mobile Cellular

From: Import Customer Service  
 Phone: 859-817-8990  
 Fax: 413-803-3840 or 859-817-8096  
 Email: Cvggw.Import@dhl.com

HAWB: 8514824953

Please provide the following information necessary to clear this shipment through U.S. Customs:

- ☐ Consignee contact name and phone number
- ☐ Federal Tax ID Number or Social Security Number
- ☐ \*\* Proof in form of any document issued by the IRS verifying the IRS# you are providing \*\*
- ☐ Invoice ☐ Value Breakdown ☐ Country of origin
- ☐ Detailed description and use (for classification purposes, if HTS not available)
- ☐ Actual value ☐ Repair value
- ☐ Fiber Content%, ☐ Knit or Woven ☐ Gender ☐ Denim Stmt
- ☐ Name and Address of Manufacturer
- ☐ Footwear Detail Sheet
- ☐ U. S. Customs Form 2877
- ☐ U. S. Customs Form 3299
- ☐ Dram Statement
- ☐ Power of Attorney
- ☐ Bearing Reimbursement Statement
- ☐ Watch / Clock Worksheet
- ☐ Reason for return
- ☒ Shipment requires Import / Authorization to import products bearing the trademark of Mitac
- ☐ Require Fair Market Value, Corrected Invoice with correct value, and proof of purchase or sales contract along with reason for difference in values

Please note we require this information to make proper entry with US Customs. We apologize for the inconvenience this has caused and appreciate your cooperation. If info not received by

4-10 your shipment will be returned to origin

Thank you

Abandoned to US Customs

DHL Express  
 ILN Gateway  
 236 Wendell H Ford Blvd  
 Atlanta, GA 30328



3/29/07

MOBILE CELLULAR INC  
159 42<sup>ND</sup> STREET  
BROOKLYN, NY 11232

RE: 8514824953

Dear Sir/Madam,

The above referenced shipment has been denied entry into the United States due to possible violation of certain trademark and/or trade name rights registered with the U.S. Patent and Trademark Office. Title 19 U.S.C. §§ 1526(a) and (b) prohibits the importation of foreign-made merchandise, if the merchandise, or its packaging or labeling, bears a registered trademark or trade name owned by a U.S. citizen or corporation, which is recorded with U.S. Customs.

Documentation from the person or corporation that registered the trademark or trade name is required to obtain U.S. Customs release. Please forward the requested documents to:

DHL Express (USA), Inc.  
236 Wendell H Ford Blvd  
M/S 1207  
Erlanger, KY  
Attn: Import Customer Service  
E-mail: [cvggw.import@dhl.com](mailto:cvggw.import@dhl.com)  
Fax: 859-803-3840 or 859-817-8096  
Phone: 859-817-8990

Failure to provide the requested documents with 10 calendar days will result in the above referenced shipment being abandoned to, and destroyed under, U.S. Customs supervision. DHL Express reserves the right to abandon under our terms and conditions of carriage agreed to at the time of shipping. (i.e. "Shipper shall indemnify and hold DHL harmless for any loss or damage arising out of Shipper's failure to comply with any applicable laws or regulations and for Shipper's breach of ... applicable customs, import, export and other laws and regulations...").

Sincerely,

Import Customer Service

DHL Express (USA), Inc.



No. 851 482 495 3 Page 1

851 4824 953

**DHL**

Track and follow the DHL service. <http://www.dhl.com>

**SHIPPER'S INFORMATION**

Change to: ☐ Shipper ☐ Receiver ☐ 3rd party

Payee Account No. (if applicable) 601103623

Shipper's Insurance (see reverse)

☐ Yes Insured value (in local currency)

Shipper's account number 601103623 Contact name Cathy

Shipper's reference (up to 23 characters but only first 12 will be shown on invoice)

Company name GO LINK PARTS

Address Room 301, Che Bei, Tianhe

Guangzhou, Guangdong

Postcode/Zip Code (required) 510660 Phone, Fax or E-mail (required) 13719250033

Company name Mobile cellular Inc

Delivery address 159 RAND Street

Brooklyn N.Y. 11032

Postcode/Zip Code (required) 11032 Country U.S.A

Contact person Simon Phone, Fax or E-mail (required) 718-788-6935

**RECEIVER'S INFORMATION**

Receiver's VAT number

Receiver's VAT/GST number

Declared Value for Customs (see reverse for details) 652580

TYPE OF EXPORT ☐ Permanent ☐ Repairs / Return ☐ Temporary

Declaration of contents (if left blank receiver pays duties/taxes)

☐ Receiver ☐ Shipper ☐ Other

Signature [Signature] Date 07.13.07

PT 1064 15 CEN 106

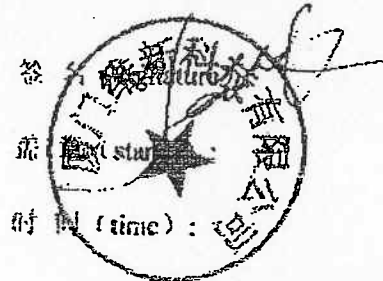
# MANUFACTURING INSTRUCTION

## DECLARATION

### 制造声明书

兹证明由 DHL 承运的此票快件 AWB: ( 8514824953 )  
中的物品是我厂(公司)生产、制造(有权销售)的产品,并非假冒其  
他品牌和仿造其他品牌的产品。如果由此产生涉及知识产权法律的纠  
纷,由我工厂(公司)自行负责,特此声明!

It is certify that the goods shipped by DHL ( 8514824953 ),  
is Manufactured by our company (factory) (it has the authority to sell it). It  
does not counterfeit or fake another brand. If there are any law issues about  
property rights, our company (factory) will answer for the responsibility.



**COMMERCIAL INVOICE STATEMENT**

**SHIPPER: GO LINK PARTS**  
**CONSIGNEE COMPANY: MOBILE CELLULAR INC**  
**SHIP BY: DHL AWB 8514824953**  
**SHIP DATE: 2007-March-27**  
**ADDRESS: 159 42<sup>ND</sup> STREET**  
**BROOKLYN NEWYORK 11232**  
**TEL: 718-788-4935**  
**ATTENTION: SIMON**  
**GUANGZHOU FOB**

Full description Of Goods	Quantity	Item Value	Total Value For Customs
GIFT BOX	400PCS	USD 1.15	USD 460.00
CATALOG	200PCS	0.60	120.00
SAMPLES			Total: USD580.00
NO COMMERCIAL VALUE			FOB GUANGZHOU
COUNTRY OF ORIGINAL:			
MADE IN CHINA			

**Manufacture Name: XAMEN WEIXIN FACTORY**  
**Address: 312# XIANLIE LU FANGNAN BUILDING**  
**XIA MEN FUJIAN, CHINA 361000**

**SIGNATURE: CATHY**  
**COMPANY STAMP: GO LINK PARTS**



The Statement of Non - Solid Wood Packing Material  
(非木质品包装声明)

To : US Authority;

It is stated that this shipment No.(HAWB) 8514824953,

Piece(s) 1, weight \_\_\_\_\_ kgs, does not contain any wood  
packing material.

Exporter Name: \_\_\_\_\_

Signature (or chop): \_\_\_\_\_

Date : 7.3.27

# EXHIBIT F

**CADIS CELL INC**

1082 EAST 29STREET  
 BROOKLYN,NY,11210  
 PHONE 718-986-2020 / 718-758-1333 FAX 718-758-1313

**DATE:** October 22, 2006  
**INVOICE #173038**

JD MOBILE 2\YAREEV  
**814 AVENUE V**  
 BROOKLYN NY 11223  
 917-731-0452

SALESPERSON	P.O. NUMBER	SHIP DATE	SHIP VIA	F.O.B. POINT	TERMS
GADDY					COD

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
300	MOTOROLA V551 RB	\$ 68.00	\$ 20,400.00
300	MOTOROLA V620 RB	86.00	25,800.00
300	MOTOROLA V300 RB	63.00	18,900.00
500	MOTOROLA V220 RB	46.00	23,000.00
200	MOTOROLA V635 RB	110.00	22,000.00
200	WEP 150	14.50	2,900.00
500	H500 BLACK	19.00	9,500.00
500	H500 SILVER	19.00	9,500.00
100	H500 BLUE	19.00	1,900.00

SUBTOTAL	\$ 133,900.00
TAX RATE	
I OWE YOU	
SHIPPING & HANDLING	
<b>TOTAL</b>	<b>\$ 133,900.00</b>

**THANK YOU FOR YOUR BUSINESS!**

**GADIS CELL INC**  
 159 42nd STREET  
 BROOKLYN, NY 11232  
 TEL: 718-788-4936 / 718-986-2020 / FAX: 718-788-4937

DATE: June 20, 2007  
 INVOICE # 173583

**NAVADA CELL, INC.**  
 3111 S. VALLEY BLVD  
 SUITE B-119  
 LAS VEGAS, NV 89102  
 E-MAIL: ramilevi@hotmail.com

SALESPERSON	P.O. NUMBER	SHIP DATE	SHIP VIA	F.O.B. POINT	TERMS
GADDY		6/19/2007	UPS - GROUND		

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
50	MOTOROLA V400 ✓	\$ 60.00	\$ 3,000.00
50	MOTOROLA V551 ✓	60.00	3,000.00
50	MOTOROLA V3i ✓	140.00	7,000.00
50	MOTOROLA V3 BLACK ✓	105.00	5,250.00
31	MOTOROLA V3 GOLD ✓	105.00	3,255.00
18	MOTOROLA V3 SILVER ✓	105.00	1,890.00
41	MOTOROLA V3 PINK ✓	105.00	4,305.00
50	SAMSUNG E315 ✓	65.00	3,250.00
46	MOTOROLA V220 ✓	40.00	1,840.00
32	MOTOROLA V180 ✓	35.00	1,120.00
26	MOTOROLA V300 ✓	60.00	1,560.00
100	JABRA BT350 ✓	25.00	2,500.00
50	NOKIA 6111 ✓	120.00	6,000.00
23	MOTOROLA U6 ✓	105.00	2,415.00
50	X830 ✓	245.00	12,250.00
50	MOTOROLA V3i DG ✓	165.00	8,250.00
50	NOKIA 6230 ✓	110.00	5,500.00
50	NOKIA 6103 ✓	95.00	4,750.00
50	SAMSUNG D500 ✓	120.00	6,000.00
SUBTOTAL			\$ 83,135.00
TAX RATE			
I OWE YOU			
SHIPPING & HANDLING			1,450.00
TOTAL			\$ 84,585.00

THANK YOU FOR YOUR BUSINESS!

# EXHIBIT G

Name of bank: china construction bank pudong branch,

Add: world financial building no.201 yin cheng

East road pudong shanghai china

Name of Beneficiary: Zhang xuefeng

A/C no. 1214579980110185493

Swift code: bofaus3n 6550990082

Intermediary bank: bank of America, New York



# EXHIBIT H

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**ALL ADS**  
For Company

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WTS MOTOROLA V980 RB *Gadiscell, Inc.* **OEM PRICES** 9/25/2007  
WTS MOTOROLA SNN5760A BATTERY *Gadiscell, Inc.* **OEM PRICES** 9/25/2007  
WTS MOTOROLA V180 IN STOCK *Gadiscell, Inc.* **OEM PRICES** 9/25/2007  
WTS MOTOROLA V220 RB *Gadiscell, Inc.* **OEM PRICES** 9/25/2007  
WTS IN STOCK MOTOROLA V620 RB *Gadiscell, Inc.* **OEM PRICES** 9/25/2007  
WTS IN STOCK MOTOROLA V300 RB *Gadiscell, Inc.* **OEM PRICES** 9/25/2007  
WTS MOTOROLA V600 *Gadiscell, Inc.* **OEM PRICES** 9/25/2007  
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**OEM PRICES** 9/20/2007  
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WTS: SAMSUNG WEP 200 A -STOCK WHITE IN STOCK *Gadiscell, Inc.*  
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WTS: MOTOROLA V975 IN STOCK *Gadiscell, Inc.* **REFURBISHED Phones** 9/18/2007  
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WTS: MOTOROLA V3 BLACK IN STOCK ANY QUANTITY *Gadiscell, Inc.*  
**OEM PRICES** 9/18/2007

Wireless Industry Association - Las Vegas - Houston - London

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WTS MOTOROLA V980 RB Gadiscell, Inc. **OEM PRICES** 9/25/2007

WTS MOTOROLA SNN5760A BATTERY Gadiscell, Inc. **OEM PRICES** 9/25/2007

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WTS MOTOROLA V600 Gadiscell, Inc. **OEM PRICES** 9/25/2007

WTS MOTOROLA V3 RB Gadiscell, Inc. **OEM PRICES** 9/24/2007

WTS:MOTOROLA A1000E OEM BN 1 YEAR WARRANTY Gadiscell, Inc. **OEM PRICES** 9/20/2007

WTS:MOTOROLA V191 OEM BACK BATTERY DOOR MASTER Gadiscell, Inc. **OEM PRICES** 9/20/2007

WTS:MOTOROLA V262 OEM BACK BATTERY DOOR MASTER Gadiscell, Inc. **OEM PRICES** 9/20/2007

WTS:MOTOROLA V188 OEM BATTERY DOOR MASTERCARTO Gadiscell, Inc. **OEM PRICES** 9/20/2007

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WTS:MOTOROLA V975 IN STOCK Gadiscell, Inc. REFURBISHED Phones 9/18/2007

WTS:MOTOROLA V980 REFURBISHED IN STOCK Gadiscell, Inc. OEM PRICES 9/18/2007

WTS:MOTOROLA V3 BLACK IN STOCK ANY QUANTITY Gadiscell, Inc. OEM PRICES 9/18/2007